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8 **United States District Court**
9 **Central District of California**
10 **Western Division**
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12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 SIMON LOPEZ, JR.,

16 Defendant.
17

CR 09-01308 TJH

Amended Order

18 The Court has considered Defendant's two motions – Docket Items 67 and 68 –
19 for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782 to the
20 United States Sentencing Guidelines Manual § 2D1.1 (2014) (“USSG”), together with
21 the moving papers.

22 USSG § 1B1.10(b) “prohibits a court from reducing a defendant’s sentence to a
23 term that is less than the minimum of the amended guidelines range, except in the case
24 of a defendant who originally received a below-guidelines sentence based on substantial
25 assistance to the government.” *See United States v. Davis*, 739 F.3d 1222, 1224-26
26 (9th Cir. 2014). Here, Defendant received a downward departure or variance that
27 resulted in a sentence below the low end of the post-Amendment 782 Guidelines range,
28 but Defendant did not provide substantial assistance to the government. Therefore,

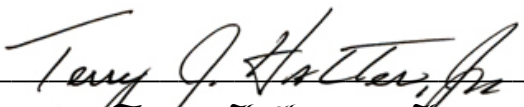
1 Defendant is not entitled to a sentence reduction.

2 Because there is no statutory or constitutional right to counsel for a § 3582(c)
3 motion, and because Defendant's motion lacks merit, the Court declines to appoint
4 counsel. *See United States v. Townsend*, 98 F.3d 510, 512-13 (9th Cir. 1996).

5 Accordingly,

6 **It is Ordered** that Defendant's motions for sentence reduction be, and hereby
7 are, **Denied**.

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9 Date: February 2, 2017

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11 **Terry J. Haller, Jr.**
12 **Senior United States District Judge**
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